

ORDINANCE NO. 05-_____

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4 AN ORDINANCE OF THE BOARD OF COUNTY
5 COMMISSIONERS OF LEON COUNTY, FLORIDA,
6 AMENDING CHAPTER 7, ARTICLE II, OF THE CODE
7 OF LAWS OF LEON COUNTY, FLORIDA, RELATING
8 TO COURT COSTS TO OPERATE AND ADMINISTER
9 THE TEEN COURT; AMENDING SECTION 7-24(A),
10 RELATING TO ADDITIONAL COURT COSTS IN
11 CRIMINAL CASES; ADDING A NEW SECTION 7-28
12 ENTITLED "COURT COSTS FOR TEEN COURT";
13 PROVIDING FOR CONFLICTS; PROVIDING FOR
14 SEVERABILITY; AND PROVIDING AN EFFECTIVE
15 DATE.
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18 WHEREAS, on November 3, 1998, the voters of Florida adopted Revision 7 to the
19 Florida Constitution, thereby amending Article V of the Constitution, in order to address the
20 problem of disparate court funding throughout the separate 67 counties of the state; and

21 WHEREAS, during the 2003 Session of the State Legislature, the Legislature adopted
22 House Bill 113A, which amended various provisions of the Florida Statutes in order to comply
23 with the requirements of Revision 7;

24 WHEREAS, House Bill 113A repealed certain court cost provisions, including the \$3.00
25 assessment allowed per criminal case for the purpose of funding the teen court;

26 WHEREAS, the Board of County Commissioners enacted Ordinance Nos. 05-03 and 05-
27 08, which substantially amended Chapter 7, Article II, of the Code of Laws of Leon County,
28 Florida, entitled "Court Filing Fees; Service Charges; Court Costs," to comport with House Bill
29 113A and other statutory revisions; and

30 WHEREAS, during the 2005 Legislative Session, House Bill 1935 was adopted by the
31 Legislature which, among other provisions, again allows counties to adopt by ordinance an

assessment for court costs in the amount of \$3.00 per criminal case for the purpose of operating and administering the teen court; and

WHEREAS, the Board of County Commissioners desires to adopt an Ordinance to impose court costs in the amount of \$3.00 for the purpose of funding the teen court;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Section 7-24 of Chapter 7, Article II of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 7-24. Additional court costs in criminal cases.

(a) Pursuant to F.S. § 939.185, an additional court cost of \$65.00 shall be imposed by the court when a person pleads guilty or nolo contendere, or is convicted of any felony, misdemeanor, or criminal traffic offense under the laws of the State of Florida. Such court cost shall be collected by the clerk of the court and remitted to Leon County. Funds received from this additional court cost shall be allocated as follows:

(1) Twenty-five percent shall be utilized by the county to fund innovations to and supplement funding for the state courts system in Leon County consistent with F.S. §§ 29.004 and 29.008(2)(a)2.

(2) Twenty-five percent shall be utilized by the county to fund legal aid programs in Leon County consistent with F.S. § 29.008(3).

(3) Twenty-five percent shall be utilized by the county to fund law libraries in Leon County.

(4) Twenty-five percent shall be utilized by the county to fund alternative juvenile programs in Leon County, ~~including teen court.~~

(b) The court shall order payment of these additional court costs on all matters subject to this section, but may defer payment if the person against whom the cost is imposed is indigent.

(c) At the end of each county fiscal year during which said additional court costs are imposed, collected and remitted to Leon County, any surplus thereof, shall be required to be reallocated and transferred for use to fund innovations to supplement funding to the state courts system in Leon County under paragraph (a)(1) above.

Section 2. Chapter 7, Article II of the Code of Laws of Leon County, Florida, is hereby amended by adding a new section to be numbered 7-28, which section shall read as follows:

Sec. 7-28. Court costs for teen court.

(a) Pursuant to F.S. § 938.19, a sum of \$3.00 shall be assessed against each person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a criminal law or a municipal or county ordinance, or who pays a fine or civil penalty for any violation of F.S. chapter 316. Any person whose adjudication is withheld under F.S. §§ 318.14(9) or 318.14(10) shall also be assessed the cost.

(b) The assessment for court costs shall be assessed in addition to any fine or civil penalty or other court cost and may not be deducted from the proceeds of that portion of any fine or civil penalty that is received by a municipality in the county or by the county in accordance with §§ 316.660 and 318.21. The assessment shall be specifically added to any civil penalty paid for a violation of F.S. chapter 316, regardless of whether the penalty is paid by mail, paid in person without request for a hearing, or paid after hearing and determination by the court. The assessment may not be made against a person for a violation of any state law or municipal or

1 county ordinance relating to the parking of vehicles, with the exception of a violation of the
2 handicapped parking laws.

3 (c) The clerk of the circuit court shall collect the assessments for court costs
4 established in this section and shall remit the assessments to the teen court monthly. The clerk of
5 the circuit court shall withhold 5% of the assessments collected, which shall be retained as fee
6 income of the office of the clerk of the circuit court.

7 (d) The teen court shall be administered by the office of the court administrator.

8 (e) By August 1 of each year, or as may be determined by the Board of County
9 Commissioners, the teen court shall provide an annual written report to the Board, accounting for
10 all funds received under this section.

11 **Section 3. Conflicts.** All ordinances or parts of ordinances in conflict with the
12 provisions of this ordinance are hereby repealed to the extent of such conflict, except to the
13 extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended,
14 which provisions shall prevail over any part of this ordinance which is inconsistent, either in
15 whole or in part, with the said Comprehensive Plan.

16 **Section 4. Severability.** If any word, phrase, clause, section or portion of this
17 ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such
18 portion or words shall be deemed a separate and independent provision and such holding shall
19 not affect the validity of the remaining portions thereof.

20 **Section 5. Effective Date.** This ordinance shall have effect on July 1, 2005.

DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon
County, Florida, this _____ day of June, 2005.

LEON COUNTY, FLORIDA

By: _____
Cliff Thael, Chairman
Board of County Commissioners

Attest:
Bob Inzer, Clerk of Circuit Court

By: _____
Clerk

Approved as to form:
County Attorney's Office
Leon County, Florida

By: _____
Herbert W. A. Thiele, Esq.
County Attorney